

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MIRANT NEW YORK, INC.,)

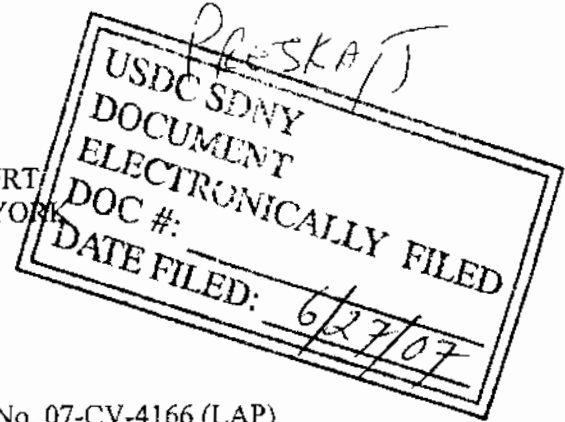
Plaintiff,)

vs.)

LOCAL UNION NO. 503 OF)
THE INTERNATIONAL)
BROTHERHOOD OF ELECTRICAL)
WORKERS,)

Defendant.)

Civil Action No. 07-CV-4166 (LAP)



CONSENT ORDER

It appearing to the Court that Plaintiff Mirant New York, Inc. ("Plaintiff"), and Defendant Local Union No. 503 of the International Brotherhood of Electrical Workers ("Defendant"), have reached agreement on the issues set forth in Plaintiff's Motion for Preliminary Injunction, and upon due consideration of the Consent Order submitted by the parties, it is hereby ORDERED that:

1. Defendant is hereby enjoined from pursuing any arbitral proceedings with respect to the grievances filed by Robert MacDonald (Grievance No. LV-11-06), and Menso Bakker (Grievance No. HYD-01-06), for the duration of this case, including any appellate proceeding initiated by either party relating to a final judgment on the merits of Plaintiff's claims;

2. During this same time, Defendant shall be permitted to grieve, but is hereby enjoined from pursuing arbitration pursuant to Article 9 of the parties' collective bargaining agreement for, any additional disputes regarding retirement benefits determinations made under the Mirant Services Pension Plan for Bargaining Unit

Employees, with the time limits for filing a demand for arbitration to be tolled pending the outcome of the litigation of this case; and

3. Plaintiff's Motion for Preliminary Injunction is DENIED AS MOOT, and Defendant is therefore relieved of its obligation to file a response thereto.

Dated: June 26, 2007

New York, New York

Louetta O'Presby
United States District Judge

Consented to and Agreed:

ALSTON & BIRD, LLP

Pieter Loone
(w/ express permission by CAG)
Pieter Loone (PL 6597)
90 Park Avenue
New York, NY 10016-1387
Telephone: 212-210-9400

Forrest W. Hunter
Charles A. Gartland II
1201 West Peachtree Street, N.E.
Atlanta, GA 30309
Telephone: 404-881-7000

Attorneys for Plaintiff

COHEN, LEDER, MONTALBANO & GROSSMAN, LLC

Paul Montalbano
(w/ express permission by CAG)
Paul A. Montalbano
1700 Galloping Hill Road
Kenilworth, NJ 07033
Telephone: 908-298-8800

Attorneys for Defendant